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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MICHAEL LEBRUN ET AL

SERIAL NO. 08/945,144

FILED: OCTOBER 14, 1997

Art Unit: 1638

Examiner: D. Kruse

FOR: MUTATED 5-ENOL PYRUVYLSHIKIMATE-  
3-PHOSPHATE SYNTHASE, GENE CODING  
FOR SAID PROTEIN AND TRANSFORMED  
PLANTS CONTAINING SAID GENE

Commissioner for Patents  
Washington, D.C. 20231

## CERTIFICATE OF TRANSMISSION [37 C.F.R. 1.8(a) and 1.6(d)]

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING TRANSMITTED VIA FACSIMILE, (703) 746-5068, PURSUANT TO  
37 C.F.R. 1.8(a) and 1.6(d), TO: ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231, ON THIS 20<sup>th</sup> DAY  
OF May 2002.

BY:

*Jean M. Marshall*  
Jean M. Marshall

SUPPLEMENTAL AMENDMENT

In response to the Official Action mailed November 20, 2001 and supplemental to the  
Amendment mailed May 2, 2002, please amend this application as follows:

## IN THE CLAIMS

Please amend claim 42 as follows:

42 (Amended). A modified nucleic acid molecule of plant origin encoding an EPSPS  
enzyme, the modifications comprising:

a first modification of a coding sequence that normally encodes a threonine that is  
located, relative to the gene from which it is derived, at position 102 of the amino acid sequence  
of mature EPSPS sequence of SEQ ID NO: 3, to encode isoleucine in a mature plant EPSPS  
sequence; and

a second modification of a coding sequence that normally encodes a proline that is  
located, relative to the gene from which it is derived, at position 106 of the amino acid sequence

May-20-2002 11:34

From-

T-127 P.001/004 F-419

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TO: United States PTO, ATTN: Examiner David H. Kruse, Ph.D.

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COMMENTS: **Per our conversation of this morning, attached is a Supplemental Amendment regarding the above-referenced application. Thank you.**

CSLH:71185